

Appl. No. : **10/671,179**
Filed : **September 25, 2003**

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figs. 2, 4, 5, and 9. The sheets, which include Figs. 1-10, replace the original sheets including Figs. 1-10. In Figure 2, reference characters 200, 202, 207, 210 and 270 have been deleted. In Figure 4, reference character 422 has been deleted. In Figure 5, reference characters 569 and 550 have been deleted and reference character 400 has been changed to 500. In Figure 9, reference character 932 has been deleted.

Note (Attachment to amendment will included replacement sheet and annotated sheet showing drawings.)

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REMARKS

The Applicants thank the Examiner for their careful and thoughtful examination of the present application. By way of summary, Claims 1-3 were pending in this application. In the present amendment, the Applicants have amended the specification, amended the drawings, supplied formal drawings, cancelled Claim 1 without prejudice or disclaimer, amended Claims 2 and 3, and added new Claims 4-12. Accordingly, Claims 2-12 remain pending for consideration.

Response To Drawing Objections

The Office Action dated March 3, 2006 objected to the drawings because they included reference characters not mentioned in the specification. In particular, in Figure 2, reference characters 200, 202, 207, 210, and 270 are not mentioned in the description. In Figure 4, reference character 422 was not mentioned in the description. In Figure 5, reference characters 569 and 550 were not mentioned in the description. In Figure 9, reference character 932 was not mentioned in the description. In addition, Applicant has amended Figure 5 to change reference character 400 to 500. Figures 2, 4, 5, and 9 have been replaced in the attached document entitled "*Submission Of Replacement Drawings For Approval By Examiner*," to show the above mentioned changes to the reference characters of the drawings.

The drawing amendment to Figure 5, changing reference character 400 to 500 is supported in the description at paragraph 29. The originally filed specification states "FIG. 5 illustrates one embodiment of a parameter compensated pulse oximeter **500** having a sensor **510** and manual inputs to a monitor **560**."

Accordingly, the Applicants respectfully submit that no new matter is introduced by the proposed drawing changes and therefore respectfully request the Examiner to withdraw the objection to the drawings.

The Specification

The Applicants have amended paragraph 26 of the specification to refer to reference character 420 instead of 620. The Applicants respectfully submit that no new matter is being introduced by way of this amendment.

Rejection Of Claims 2 Under 35 U.S.C. § 102(b)

The Office Action rejected Claim 2 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 5,725,480, issued to Oosta et al, (the Oosta patent). The Applicants respectfully

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traverse this rejection because the Oosta patent fails to identically teach every element of the claim. See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim).

Amended independent Claim 2 recites among other things: reading a primary input in communication with a first device responsive to said first biological property and a parameter input in communication with a second device responsive to said second biological property. Oosta fails to disclose or suggest reading a primary input in communication with a first device, and a parameter input in communication with a second device. Thus, Oosta patent fails to identically teach every element of Claim 2. Accordingly, Applicants respectfully submit that claim 2 is in condition for allowance over the cited art of record.

Rejection Of Claims 3 Under 35 U.S.C. § 102(b)

The Office Action rejected Claim 3 under 35 U.S.C. § 102(b) as being anticipated by the Oosta patent. The Applicants respectfully traverse this rejection because the Oosta patent fails to identically teach every element of the claim. See M.P.E.P. § 2131.

Amended independent Claim 3 recites among other things: a first input means in communication with a first device for determining first biological property values and a second input means in communication with a second device for determining second biological property values. Oosta fails to disclose or suggest a first input means in communication with a first device, and a second input means in communication with a second device. Thus, Oosta patent fails to identically teach every element of Claim 3. Accordingly, Applicants respectfully submit that claim 2 is in condition for allowance over the cited art of record.

New Claims 4-12

Applicants have added new Claims 4-12. For the similar reasons as those cited above with respect to Claims 2 and 3, and/or for the additional features recited therein, the Applicants respectfully submit the Oosta patent fails to teach or suggest every element of Claims 4-12. Accordingly, the applicants submit Claims 4-12 are also allowable over the prior art of record.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/5/06

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AMEND

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PARAMETER COMPENSATED PULSE OXIMETER

Massi E. Kiani et al.

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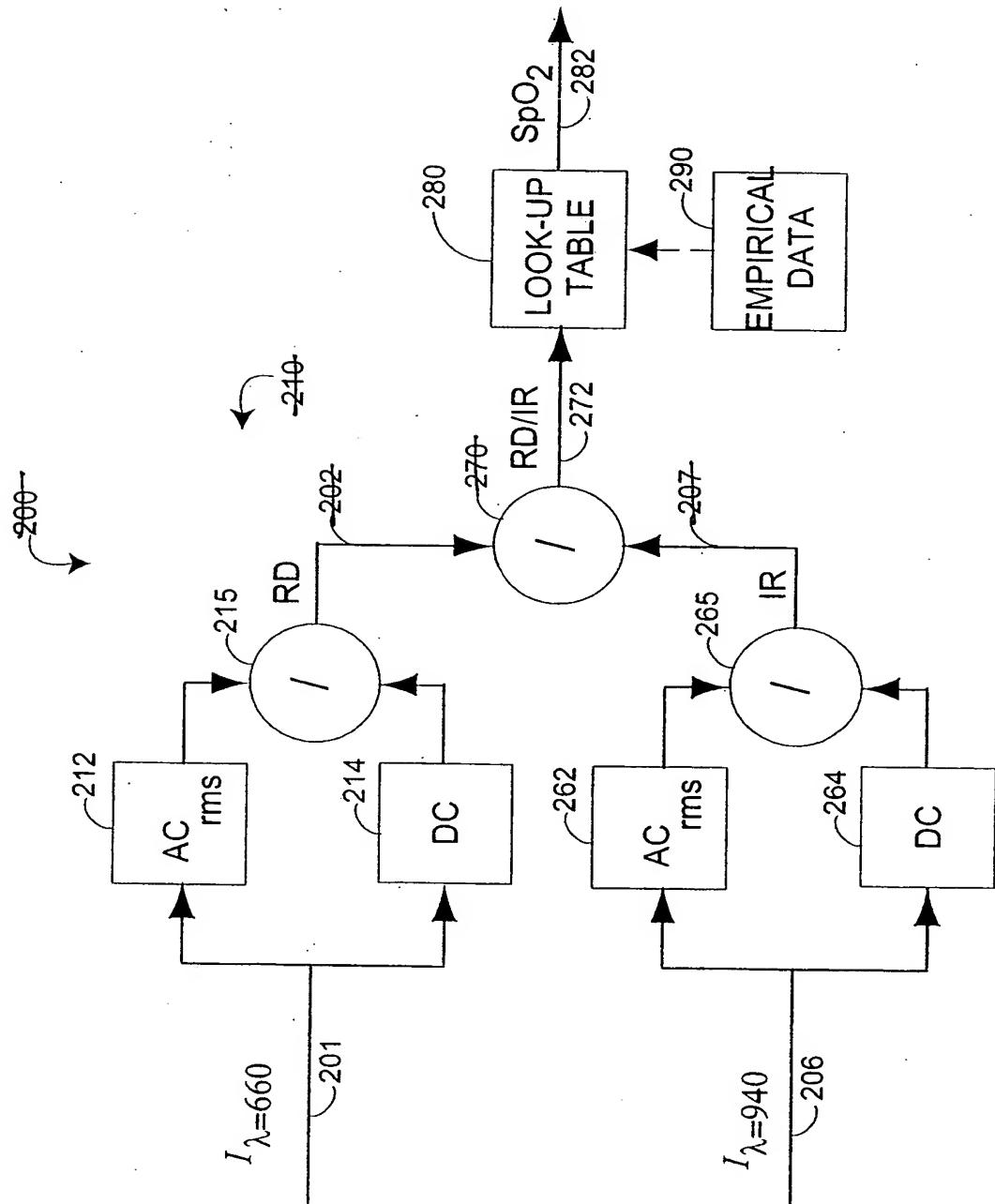


FIG. 2
(PRIOR ART)



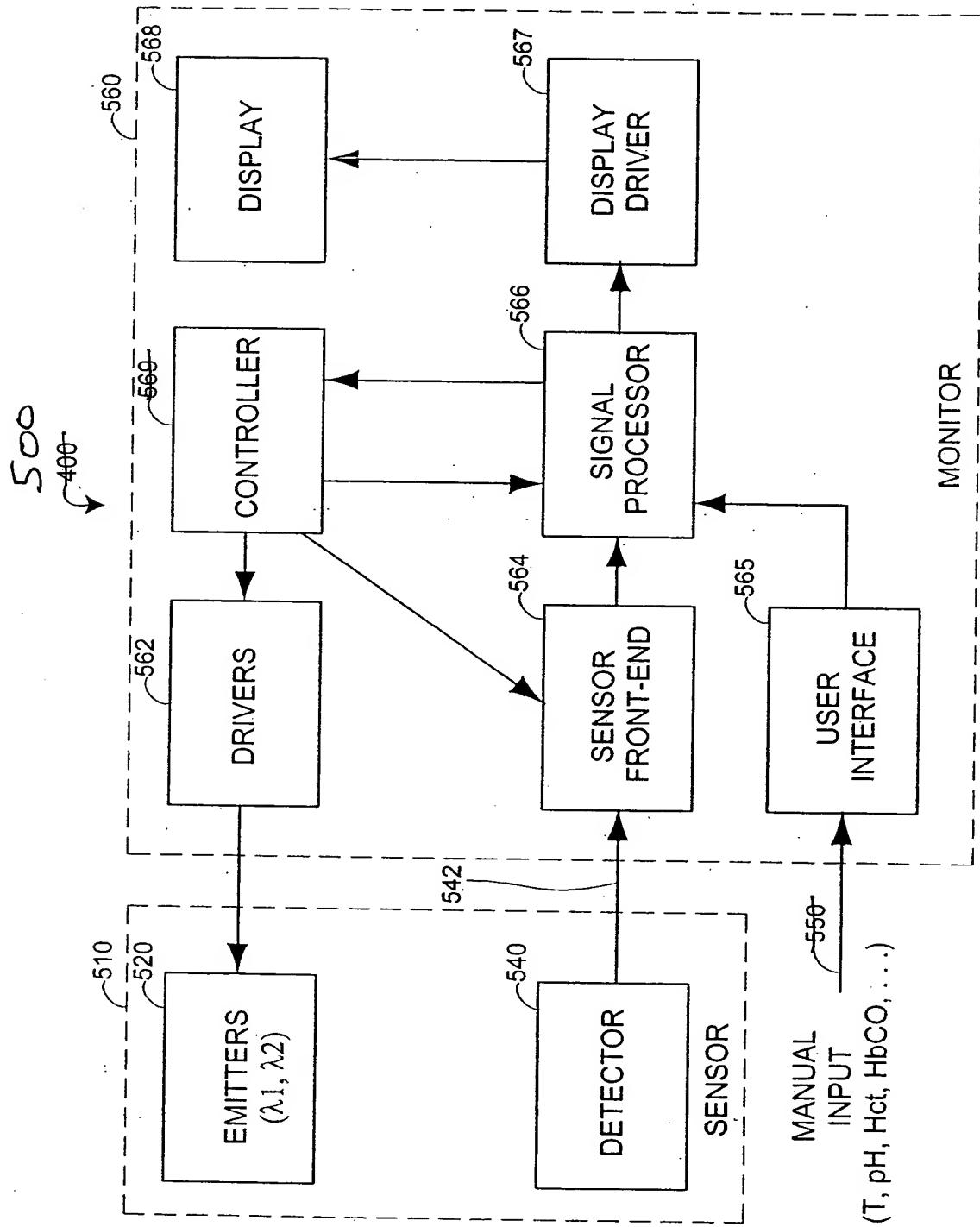


FIG. 5

PARAMETER COMPENSATED PULSE OXIMETER

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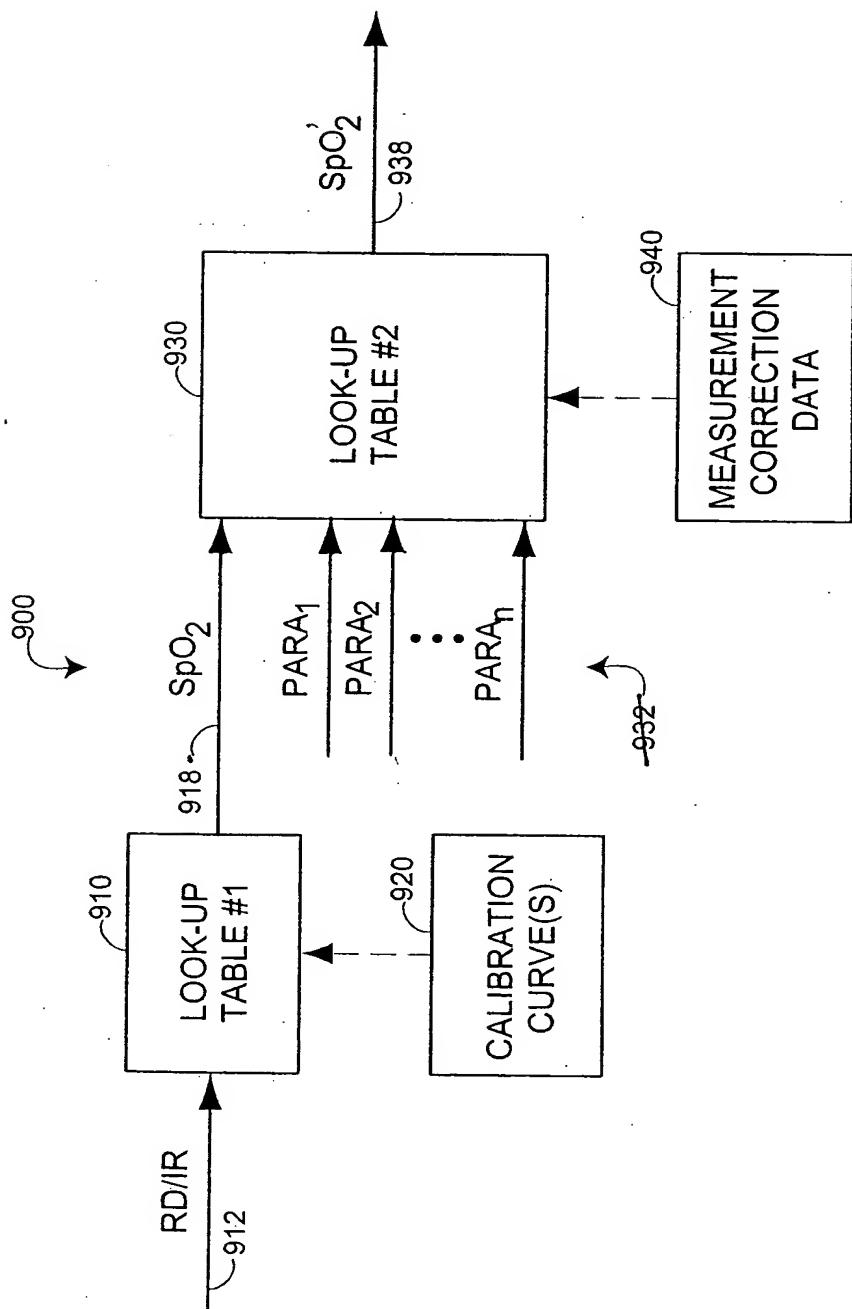


FIG. 9

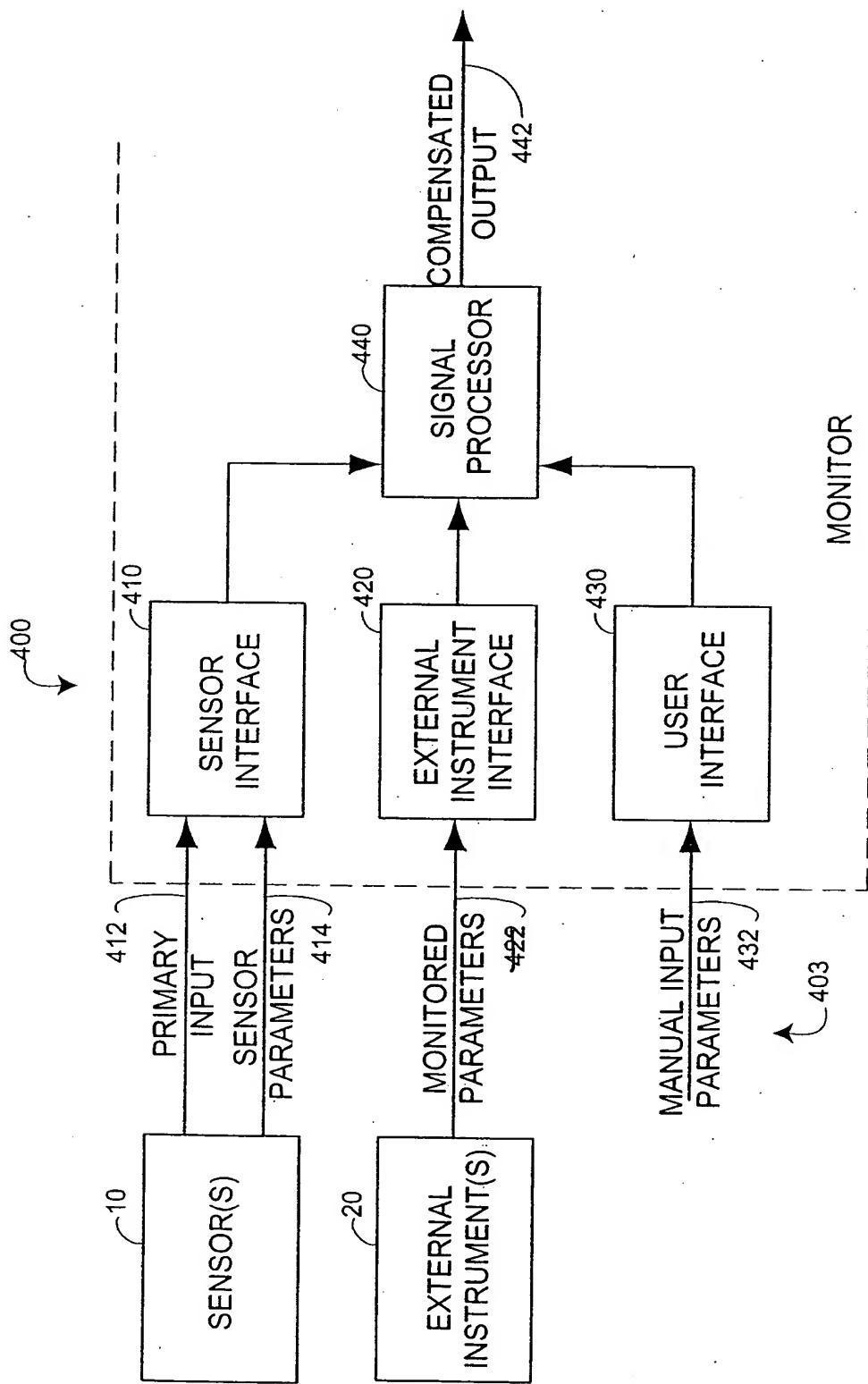


FIG. 4